

A GUIDE TO LOCAL GOVERNMENT

IN
PRINCE EDWARD ISLAND



THIRD EDITION 1990
EDITOR: Jack Novack



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MMTDB

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To the Reader:

The printing of this third edition of *A Guide to Local Government in Prince Edward Island* is a cooperative effort between the Prince Edward Island Department of Community and Cultural Affairs, the Federation of Prince Edward Island Municipalities, and the Maritime Municipal Training and Development Board. Except for minor changes in wording, and the incorporation of certain legislative changes which have occurred since the printing of the second edition of the manuscript in 1987, this latest publication remains substantially the same as the earlier first and second editions.

The purpose of this publication is twofold. First, it is intended as a reference aid primarily for the elected officials of city, town and community councils in Prince Edward Island, regardless of size. The information contained in this handbook covers a broad range of subject areas reflecting the many and varied aspects of local office. Second, it is intended to provide a general introduction to the role and operation of local government in Prince Edward Island.

It is our hope and expectation that this third edition of *A Guide to Local Government in Prince Edward Island*, in the tradition of the previous two editions, will prove a valuable resource to all who would seek an appreciation and basic understanding of the institution of local government in the Province. We are grateful to those who have participated in making this publication available.

Hon. Léonce Bernard
Minister of Community and
Cultural Affairs

Merrill Scott
President, Federation of
Prince Edward Island
Municipalities

Patricia Gould-Thorpe
Chairman, Maritime Municipal
Training and Development Board

Preface

The first edition of *A Guide to Local Government in Prince Edward Island* was published by the Maritime Municipal Training and Development Board (MMTDB) in November 1984. A second edition was subsequently published by the MMTDB in July 1987.

A number of individuals and organizations played a key role in the development of the first edition. First and foremost are the members of the advisory committee who provided much needed assistance and advice throughout the entire process. These members include Kell Antoft, Joe Coady, Dennis Friesen, Nancy Guptill, Don Josey, Arnold Llewellyn, John MacLean, Roger MacMillan, Ron MacNeill, Lorne Moase, Deena Robb, Don Smeltzer, Clive Stewart and Gary Webster.

On the recommendation of the advisory committee, individuals with expertise in each of the subject areas were contacted and asked to prepare a draft chapter. Although numerous and sometimes substantial revisions were required, these drafts provided a valuable starting point. Persons who contributed by preparing drafts include Kell Antoft, Earle Arsenault, Marlene Clark, Dennis Friesen, John Eldon Green, George Likely, Ron MacNeill, Olga Neal and Don Smeltzer.

In addition to the advisory committee, several individuals reviewed the final manuscript and provided helpful suggestions. They are: Noreen Cohen, Margaret Dingley, Roger MacMillan and Ken Simpson. The cartoons which amusingly illustrate the chapters were prepared by Malcolm Callaway in consultation with Don Smeltzer and Ken Simpson.

Minor revisions in wording to the second and third editions have been made under the direction of Don Smeltzer, Executive Director of the MMTDB. Changes in legislation since publication of the second edition in 1987 and which are incorporated in this third edition were prepared by George Likely, Executive Director, Community Services, Department of

Community and Cultural Affairs. Typesetting of the third edition was undertaken by Debbie Kampen of the MMTDB. Both Debbie and Susan LeBlanc spent numerous hours proofreading the manuscript.

I wish to express my appreciation to the two funding organizations: the Prince Edward Island Department of Community and Cultural Affairs and the Maritime Municipal Training and Development Board, an agency of the Council of Maritime Premiers. Without their financial support and encouragement, the first, second and third editions of *A Guide to Local Government in Prince Edward Island* would not have been possible. I wish also to thank the Federation of Prince Edward Island Municipalities for its enthusiastic support of this project.

Jack Novack
Editor

NOTE: Jack Novack is the Director of the Municipal Administration Program, Henson College of Public Affairs and Continuing Education, Dalhousie University.

Contents

TO THE READER	iii
PREFACE	v
CHAPTER ONE -- MUNICIPAL GOVERNMENT IN PRINCE EDWARD ISLAND	
Introduction	1
Local Government and Democracy	2
The Position of Municipal Government	2
Structure of Municipal Government	3
The Municipal Council	4
Municipal Committees	5
Municipal Administration	6
Municipal Powers	6
Municipal Elections	8
Appendix I-A - Municipal Powers	10
Appendix I-B - Principal Acts Pertaining to Municipalities	11
CHAPTER TWO -- ROLES AND RESPONSIBILITIES	
Introduction	12
The Role of the Mayor or Chairman	13
The Role of Councillors	14
Council-Administration Relationship	16
CHAPTER THREE -- MUNICIPAL LAW	
Introduction	18
Constitutional Position of Local Government	19
Authority of Local Government	19
Liability	21
Criminal Liability	22
Bylaws	24
Elections	25
Conflict of Interest	26
The Municipal Solicitor	28
Conclusion	28
CHAPTER FOUR -- BUDGETING	
Introduction	29
The Operating Budget	31
Sample Budget	32

Budget Preparation	33
Budget Approval	34
The Capital Budget	35
Municipal Revenues	36
The Role of the Auditor	38

CHAPTER FIVE -- THE ORGANIZATION AND CONDUCT OF MEETINGS

Introduction	40
Starting on Time	41
Agenda	41
The Role of the Chairman	42
Motions	43
Precedence of Motions	45
Amendments to Motions	46
Minutes	47
Appendix V-A - Motions: Table of Precedence	49
Appendix V-B - Principles of Parliamentary Procedure	52

CHAPTER SIX -- COMMUNITY PLANNING

Introduction	55
Reasons for Planning	56
Provisions of the Planning Act	57
The Planning Process	59
Approval of the Plan	60

CHAPTER SEVEN -- PUBLIC RELATIONS

Introduction	61
What is Public Relations?	61
Writing a News Release	62
Responsibility for the News Release	63
When to Issue News Releases	64
Public Service Announcements	64
The Interview	64
Community Groups	65
Handling Enquiries	66
Relations with Other Organizations	67
Appendix VII-A - Sample News Release	71

SUGGESTED READINGS	72
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INDEX	73
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Chapter One

Municipal Government in Prince Edward Island



INTRODUCTION

This chapter is intended to introduce the topic of municipal government in general and to provide an overview of the organization, structure, and procedures of municipal government in Prince Edward Island in particular. Much of the information contained in this chapter is repeated, in greater depth, in the chapters to follow. It was felt, particularly for newer councillors, that an initial overview would help to place the topic of local government in perspective while, at the same time, whetting the appetite of the reader for a more detailed examination of the subject material. It is, therefore, expected that this chapter will provide the reader with a solid foundation for the chapters that follow.

LOCAL GOVERNMENT AND DEMOCRACY

It has been observed that municipal government is the most democratic level of government and the one that has the most immediate and continuous impact on the life of its citizens. This is due, in part, to the specific and often visible nature of the services it provides (such as garbage collection, police and fire protection, sewer, water and recreational services, to name a few) and, in part, to the closeness of the municipal politician and municipal administration to the people they seek to serve. It is argued that local politicians are best able to understand and respond to local needs. In smaller communities, the municipal politician may well be a neighbour or a local businessman who is familiar with, and sensitive to, the problems faced by the community. If democracy means conducting the affairs of government according to the wishes of the people, then municipal government provides the best opportunity for the expression of this principle. It is at the municipal level that citizens are best able to both understand and contribute to the decisions which affect their lives.

THE POSITION OF MUNICIPAL GOVERNMENT

In Canada there are over 4,000 municipal units, ranging in size from a few hundred people to the large metropolitan regions of the major Canadian cities.

Unlike the federal and provincial levels of government, municipal government does not enjoy an independent constitutional status. Under the Constitution Act 1982, all government functions, such as health, education, transportation, trade, and so forth, are allocated between the federal and provincial governments. When acting within their jurisdiction, these levels of government are independent and autonomous. Municipal governments, on the other hand, are creations of the provinces and, as such, do not possess this legal independence. The ten provincial governments have the authority to create or abolish municipalities and to prescribe their duties and responsibilities. However, the provinces may only delegate to their municipalities those powers that they themselves may constitutionally exercise. For example, a province could not

legally permit a municipality to establish its own local post office, since mail service is exclusively a federal responsibility. It also follows that municipalities may only perform those functions that have been specifically and legally extended to them by the province. More will be said about the constitutional positions of local government in Chapter Three.

STRUCTURE OF MUNICIPAL GOVERNMENT

In Prince Edward Island, municipal government has been established by way of three principal pieces of legislation:

1. **Charlottetown Act**
2. **Summerside Act**
3. **Municipalities Act**

While the first two acts relate to specific municipalities, the third act, the **Municipalities Act**, passed by the Province in 1983, provides direction for the operation of over 80 incorporated towns and communities, encompassing over 60 percent of the population and 50 percent of the land mass. While many provinces are completely organized into various categories of municipal units, Prince Edward Island continues to have large areas that are municipally unorganized.

Although established at different times, these three Acts share common characteristics. Each outlines a council/committee style of decision making, the process for local elections, and the regulatory and spending authority that may be exercised by the municipality.

Regardless of their size, the legislation under which they are established, or their classification, it is generally held that all municipalities share three characteristics:

- they are corporate bodies with clearly defined legal boundaries;
- they are governed by locally elected officials; and

- they have the authority to levy taxes in order to raise revenue for the provision of services.

Under the **Municipalities Act**, an area may be incorporated as either a town or a community. One of the principal differences between a town and a community is the manner in which the annual budget of the municipality is approved. In a town, the council has full authority to establish a budget. In a community, however, the budget, while prepared and recommended by the council, can only be approved by the residents. For this reason, all communities are required, under Section 36 of the Act, to hold an annual meeting in March for their residents to consider the proposed budget. Beyond this difference, and differences in election procedures, towns and communities operate in virtually the same fashion.

THE MUNICIPAL COUNCIL

The council of a town or community is the governing body of the municipality and is responsible for making decisions which fall under its delegated range of power. In particular, it is responsible for the management of the budget, the operation of committees, and the adoption and enforcement of local bylaws.

The mayor, in the case of a town, or the chairman, in the case of a community, is the chief executive officer of the municipality. It is his or her job to preside over all the meetings of council and to ensure that all business before the council is dealt with in a fair and judicious manner.

A council is required to hold at least one meeting a year and, by resolution, fix the date, place and time for regular meetings. In practice, most councils find it necessary to meet more frequently than once a year. In addition, the mayor or chairman has authority to call special meetings of council to discuss a specific issue that cannot wait until the next regular meeting of council.

As in any democratic forum, council meetings and decisions of council are open to public scrutiny. Often this concept is misunderstood or confused with a "public meeting". A meeting that is open to the public is like an open courtroom;

the public has a right to be present and to observe the discussions of the council but the meeting is not at the rule of the public. Whereas council meetings must always be open to the public, meetings of committees may be held "in camera"; that is, in private. This provision permits committees to discuss sensitive issues, to research topics in detail, and to formulate recommendations for council consideration.

Every member of council has one vote; however, the mayor or chairman may only vote when there is a tie. While some procedures are fixed in the legislation, councils normally adopt by bylaw their own procedures to govern items such as agenda and motions. Sometimes a council will adopt a recognized parliamentary guide such as *Bourinot's Rules of Order*. In the absence of a set of procedures, the mayor or chairman must rule.

MUNICIPAL COMMITTEES

While all decisions are normally made by the council, the *Municipalities Act* makes provision for the establishment of standing committees and special committees, and for council to meet as a committee of the whole. Committees are an excellent mechanism to divide the workload and to improve the efficiency of a council.

Standing committees are appointed by the mayor or chairman from among the members of the council. These committees usually correspond to the ongoing services provided by the municipality, such as fire, police, sewer, recreation, planning, and so forth. In larger municipalities, standing committees often correspond to the various administrative departments.

In addition, the council may, by resolution, establish special committees for a particular purpose or project. For example, the council may wish to plan for the construction of a community centre. It should be noted that, while special committees must be chaired by a member of council, non-elected residents, at the initiation of council, may be invited to serve on any special committee. These non-elected members are often a source of valuable insight and are generally willing to serve without remuneration.

MUNICIPAL ADMINISTRATION

Under Section 24(1) of the **Municipalities Act**, every council is required to appoint an administrator. The municipal administrator may be a manager or a clerk, depending upon the complexities of the administration and the wishes of the council. While the mayor or chairman is the chief executive officer of the municipality, the administrator serves as the chief administrative officer.

In very small municipalities, the administrator may be only a part-time position; nevertheless, his or her function in the municipality is similar to that of a full-time administrator and is equally important. A principal role of the administrator is to provide continuity in the municipality from one council to the next.

The administrator is responsible to the council, and his or her duties are outlined in Section 26 of the Act. They include keeping records of council, minutes and resolutions, the financial accounts, and the register of municipal bylaws. In addition, the administrator must maintain the bank accounts of the municipality and co-sign all cheques, as well as perform certain functions during elections.

It is often suggested that the difference between the council and the administrator is that the council is responsible for the formulation of policy and the administrator is responsible for carrying it out. While this distinction may be less pronounced in smaller municipalities, it is nonetheless useful to understand the theory behind this relationship and the role of the council. More will be said about the relationship between elected and appointed officials in Chapter Two, which deals with roles and responsibilities.

MUNICIPAL POWERS

The powers that a municipality may exercise are twofold. First, there is the power to expend funds on local services. These powers, subject to the budget approval process, are listed in Section 30 of the **Municipalities Act** (see Appendix I-A). Second, there is regulatory power (that is, the power to enact

local bylaws), which is found in Section 64. Generally, there is a one-to-one correspondence between the power to expend funds and the power to enact local bylaws. For example, Section 30(b) provides authority for the municipality to spend funds on fire protection. Under Section 64(b), we find authority for the municipality to enact fire protection bylaws. Because some communities are limited under Section 31 in their spending power to certain specified services, their power to enact bylaws is also limited. Communities that were Community Improvement Areas prior to November 1, 1983, may exercise only the first five powers - administration, fire, garbage, street lighting and recreation. However, with the support of their residents, these communities may make application to assume other powers. Newly formed communities must specify which powers under Section 30 they will initially exercise. However, this initial selection does not prohibit the addition of other powers at a later date. Appendix I-A, at the end of this chapter, lists the range of services that a municipality may provide.

Whenever a council contemplates an expenditure of funds or the passage of a bylaw, it must make absolutely sure that it has clear, legal jurisdiction. As a general rule, the law will protect a council when it is acting in good faith and within its legislative authority. A fuller discussion of the powers of council and its liability is contained in Chapter Three.

In addition to the powers that a municipality may exercise under the **Municipalities Act**, there are many other provincial statutes that confer authority upon municipalities. For example, the **Planning Act** provides authority for municipalities to adopt official plans and to enact local subdivision and building bylaws. The **Highway Traffic Act** permits municipalities to regulate local traffic and the **Real Property Tax Act** provides authority for municipalities to levy legal property taxes. There are many Acts that provide additional powers for municipalities, and all municipal officials should have a general understanding of these statutes. A list of the principal Acts pertaining to municipalities is contained in Appendix I-B.

MUNICIPAL ELECTIONS

Under the **Municipalities Act**, elections for communities and towns are held on the first Monday in November of every third year commencing in 1984.

The qualifications for nomination and for holding office as a member of council are that the nominee be:

- (a) not less than eighteen years of age;
- (b) a Canadian citizen; and
- (c) resident for a period of one year preceding the date of nomination.

The term "resident" means that the municipality is his or her usual or principal place of residence.

While the term of office and qualifications for nomination are the same for community and town elections, there are some procedural differences between the two.

In accordance with Sections 48, 48.1 and 49, communities may either hold a special election meeting or, by bylaw, establish a day-long election poll. At special election meetings, the chairman appoints two electors to act as scrutineers and to count the ballots after nominations have closed. Where a community opts for a poll, the format is similar to that used for town elections. Regardless of the election method, within fifteen days of its election, the new community council must meet and choose a chairman from among those elected.

Town elections are conducted in accordance with Schedule 2 of the Act. Before the election, however, there are several important steps to be followed, including a nomination day, an advance poll, and the appointment of a returning officer. In many respects, towns follow a format that is similar in style to provincial and federal elections.

The new town or community council takes office on the January 1st following its election, at which time councillors take the oath of office. Whenever a vacancy occurs on a town or community council, it is filled in the same manner as a regular election. However, the successful candidate may only serve for the balance of the existing council's term.

Appendix I-A

Municipal Powers*

- (a) administration of the municipality;
- (b) fire protection;
- (c) garbage and refuse collection and disposal;
- (d) street lighting;
- (e) recreation;
- (f) drainage;
- (g) sewage collection and treatment;
- (h) sidewalks;
- (i) roads, streets, parking and the regulation of traffic;
- (j) police protection and law enforcement;
- (k) water distribution and purification;
- (l) parks;
- (m) community or regional development;
- (n) tourist development and promotion;
- (o) industrial or commercial development and promotion;
- (p) housing development and promotion;
- (q) land assembly for municipal purposes;
- (r) local libraries;
- (s) assistance to community organizations;
- (t) community development projects;
- (u) animal control;
- (v) signage control;
- (w) building and standards control;
- (x) regulation of real property maintenance;
- (y) regulation of business practices; and
- (z) public transportation.

*Municipalities Act, *SPEI*, 1983. C.33, S.30.

Appendix I-B

Principal Acts Pertaining to Municipalities

Area Industrial Commissions Act

Dog Act

Division Fence Act

Environmental Protection Act

Emergency Measures Act

Financial Administration Act

Highway Traffic Act

Municipalities Act

Planning Act

Provincial Building Code Act

Provincial Court Act

Real Property Assessment Act

Real Property Tax Act

Recreation Development Act

Roads Act

Store Hours Act

Water and Sewage Act

Chapter Two

Roles and Responsibilities



INTRODUCTION

One of the more important issues facing municipal politicians, and often a source of confusion and frustration, is the nature of their role as elected officers and the role of the people with whom they must work.

While invariably roles evolve over time and are often based upon tradition, personal expectations and what seems to work in a given situation, it is nevertheless useful to have some knowledge of, and regard for, what many consider to be the ideal model. This is particularly true since regular occupations do not normally prepare councillors for their role as elected officials responsible for making policy.

THE ROLE OF THE MAYOR OR CHAIRMAN

In Prince Edward Island, Section 15(1) of the **Municipalities Act** states that every municipality shall have a council consisting of, in the case of a town, a mayor and six councillors, and in the case of a community, a chairman and six councillors.

The mayors of the City of Charlottetown and of the towns in Prince Edward Island are elected at large by the voting population of their respective municipal units. In communities, the equivalent to the mayor is the chairman. Unlike the City of Charlottetown and the towns, the chairman is not elected at large but is appointed by council from among its members. Once elected and sworn into office, the mayor or chairman becomes the chief executive officer of the municipality and is expected to provide leadership in the affairs of the municipality.

One of the first tasks facing a mayor or chairman after election is the setting up of standing committees of council. Section 22(1) of the **Municipalities Act** states that the mayor or chairman may appoint standing committees from among the members of the council for such purposes as may be determined. The mayor or chairman can use this authority with respect to the establishment of committees to ensure that priorities and concerns are properly reflected. Often, the mayor or chairman is perceived as the embodiment of municipal authority and the administration is identified with the office.

The mayor or chairman, by virtue of that office, should be an ex-officio member of all standing committees established by council. This will allow the individual who holds the office to be knowledgeable of all committee decisions and recommendations before they proceed to council for ratification. Thus, the mayor or chairman is provided with an overview of all municipal problems and is in an informed position to put before council sound legislation for the betterment of the whole community.

The second role of the mayor or chairman is to be the "figure-head" or symbol of municipal government. The office holder represents the municipality at important functions; speaks for the community as a whole; often handles relations with the

media and is generally expected to be able to respond to all issues and problems as they arise. In light of this, it is important that the mayor or chairman do nothing to diminish the status of the office during his or her term.

As chief executive officer of the council, the mayor or chairman is required to preside at all meetings of council (except during absence or illness, where the deputy mayor or vice-chairman presides). In this capacity, the mayor or chairman's main function is to ensure that the business of the meeting proceeds in an orderly and proper manner and that all councillors are provided with the appropriate background documentation for each of the agenda items.

Finally, the mayor or chairman must manage his or her own office, which is the depository for all issues and problems that do not reside with any of the municipal committees but may be equally important as those that do. The mayor or chairman must advance, whenever possible, the general interests of the municipality, including its business development, its political integrity, its cultural enrichment, its social progress, and its physical environment.

While the position of mayor or chairman itself quickly trains the new incumbent, each newly elected mayor or chairman would do well to review the office with his or her predecessor and with senior municipal staff. The mayor or chairman should not hesitate to admit the need to learn the full and true dimensions of the job. This can be done without subordinating the office in any way to those who teach. Their interests are also served by ensuring that the mayor or chairman is fully informed as to municipal roles and responsibilities.

THE ROLE OF COUNCILLORS

Elected councillors, with the mayor or chairman, determine the policies of the municipality by working together as a council to decide upon the overall direction in which the municipality is to go. Setting the tax rate and approving the operating expenditures are two ways in which the policies of the council are put into action.

All elected municipal officials share one desire, and that is to continue to hold the confidence, trust, and respect of those who elected them. It is possible to do that without tarnishing the confidence, trust, and respect of others who were also elected. To that end, it is important that councillors perceive their role as that of contributing to an effective municipal team, under the leadership of the mayor or chairman, during their full term in office. Reputations are built on performance and not on the ruins of the reputation of colleagues; hence, each councillor can best secure his or her own elective future by contributing in a positive manner to an effective municipal team.

Municipalities function through an endless series of alliances and relationships, which are constantly forming and reforming as issues and problems develop, intensify, and insert themselves, sometimes permanently, into community relationships. Inevitably, some issues arouse conflict and animosities, which sometimes fall to council to resolve, and it is the duty of council to do so, using its best collective judgement, even if its exercise of judgement may not always be flawless.



Skill in dealing with confrontation in council is an important attribute of councillors. Councillors should constantly strive:

- (a) to identify the issues;
- (b) to gain as much information as possible on the issues;
- (c) to isolate the main issues and prioritize them;
- (d) to remove personal feelings and biases as much as possible;
- (e) to keep discussion on the issues and not on personalities;
- (f) to express views which are consistent with their emerging opinion on the issues;
- (g) to exercise judgement consistent with their information and findings; and
- (h) to be prepared to modify their judgement as significant new information is made available.

COUNCIL-ADMINISTRATION RELATIONSHIP

The view that council makes decisions and staff carries out those decisions is based on the premise that a clear division can be made between policy and administration. Such is not always the case. In reality, there is considerable overlap between those who make decisions and those who carry them out.

The elected body must understand how the administrative system operates in order to know what can be expected from it. The ideal relationship resembles one of partnership in which the administration recognizes that council makes, and is held accountable for, its decisions, and council recognizes the duty of the administration to provide expert advice and carry out council decisions in an effective manner. The administration must make

recommendations that take into account the real world of the elected councillors. The administration must also understand the political process and be committed to working openly and honestly with the elected officials in an attempt to provide the council with the best information available, alternatives where possible, and public input when necessary and obtainable.

Council and the administration need to work together in a spirit of trust and commitment. If these understandings and attitudes do not exist between the council and its administration, the system will break down, to the detriment of the municipality. The system of policy making and administration at the local level should never be one of "we" and "they"; it should be one of a "team" working together to achieve the municipality's goals.

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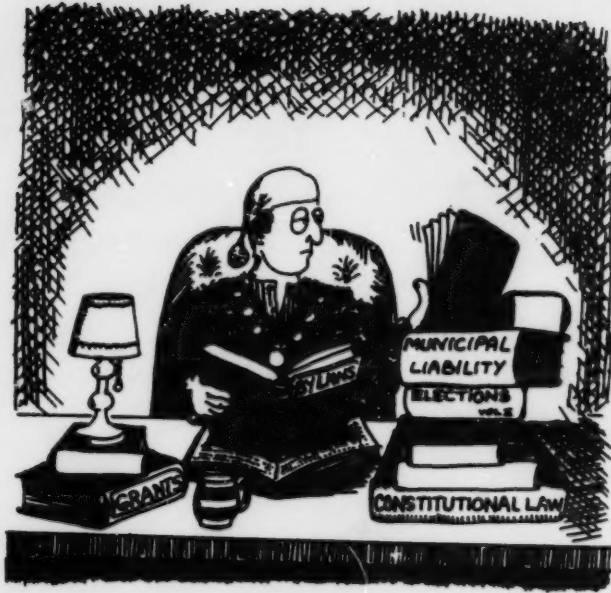
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Chapter Three

Municipal Law



INTRODUCTION

This chapter is not intended to be subtitled "everything you always wanted to know about municipal law (but were afraid to ask)". The lawyer's bible on the subject is a weighty text of some 1,560 pages, a two-volume reference called *The Law of Canadian Municipal Corporations*. Obviously, this is not light bedtime reading; nor can it be condensed into 2,000 words or less. But, as persons in public office, elected municipal officials should have some knowledge of the fundamentals of the position and the responsibilities entailed, as well as the consequences for failing their duty. It is the intention of this chapter to provide you with some awareness of these.

CONSTITUTIONAL POSITION OF LOCAL GOVERNMENT

In Canada, there are three levels of government: federal, provincial, and municipal. Unlike the gold, silver and bronze medal winners at the Olympics, however, the three levels of government do not share a common podium. The Canadian constitution divides the power to govern and to make laws between the federal and provincial levels of government. The provincial governments can, in turn, delegate, if they so choose, some of their responsibilities to local governments. In this sense, as was discussed in the opening chapter, municipalities are said to be the creations of the provinces.

Municipal corporations, as the municipalities are often referred to in law, can assume responsibility only in regard to those matters that the province has delegated to them. All else is beyond the scope of their powers.

There are a number of limitations to be kept in mind. First of all, the municipality cannot do anything which is the responsibility of the federal government. Nor, secondly, can the municipality do anything and everything that is in the province's jurisdiction; it can do only those things which the province has, by statute, (i.e., written legislation) given it to do. Thirdly, the province can not only create the municipality, it can alter its powers by adding to them or subtracting from them, or it can alter the municipality's structure in other ways (for example, by changing its boundaries). The province can, if it so chooses, eliminate the municipality entirely.

AUTHORITY OF LOCAL GOVERNMENT

The authority of the local government is to be found primarily in the legislation that creates the municipality. In the case of Prince Edward Island municipalities, all local governments except those in Charlottetown and Summerside now look to the **Municipalities Act of 1983**; Charlottetown and Summerside have specific legislation as the principal source of their authority - the **Charlottetown Act** and the **Summerside Act**, respectively. Within the context of the **Municipalities Act**, the authority of the local government depends, in part, on whether the local government was categorized as a town, village, or community

improvement committee prior to 1983. Note, for example, the services which towns and former villages may provide under the provisions of Section 30 of the **Municipalities Act** as compared with the more limited list of services which former community improvement committees can provide under the provisions of Section 31 of the legislation.

While these three statutes are the primary source of authority for all local government in the Province of Prince Edward Island, knowledge of the statute pertaining to your municipality is not sufficient for the efficient administration of the responsibilities delegated to local government. Other legislation must often be considered, and this is an area where the municipal solicitor can be of assistance.

For example, Section 30 of the **Municipalities Act** provides that:

30. *The council of a town or village set out in Schedule 1 may provide. . .*
(i) roads, streets, parking and the regulation of traffic; . . .

Obviously, no municipality could regulate that all vehicular traffic within its boundaries must drive on the left-hand side of the road. Why not? Such a provision would be contrary to the provision of the **Highway Traffic Act**. Similarly, provision for animal control (Section 30(u)) must take into account existing provincial laws regarding animals. Sometimes provincial laws specify that they are applicable province-wide except where a local government has chosen its own provisions or services. Unless the legislation allows the municipality to "opt out", the municipal authority is curbed to the extent that the exercise of its authority must not conflict with the existing provincial law on the matter.

If the municipality does something for which it has no power either because the power was not one that was delegated to it or because the municipality exercised a delegated power in a manner that conflicted with prevailing laws of the province, the result is generally the same. In simplest terms, the legal consequences are often just as if the municipality had not acted

at all, at least insofar as the municipality itself is concerned. The contract which the municipality purported to enter, but which it had no authority to enter, is null and void. The bylaw the municipality purported to enact, but which it had no authority to enact, is null and void. It cannot be enforced; it has no effect. But there is an added factor, one which means the elected officials must be cautious in exercising only jurisdiction that the municipality actually has. While this is discussed more fully below in regard to liability, the essence of the matter is that, in the proper circumstances, the elected officials who purported to act on behalf of the municipality, if the municipality had no legal authority to act in such fashion, may be found to have acted in a personal capacity and thus be held personally liable for the consequences.

LIABILITY

Two aspects of liability must be considered as being relevant: first, the liability of the municipality itself, and second, the personal liability of the elected officials who act, or purport to act, on behalf of the municipality.

With respect to the first aspect, the municipality is often referred to in law as a municipal corporation. Like other corporations, it is a legal entity – a non-natural person, subject to the law in much the same way as a natural person. As such, it has the power to sue and be sued in its corporate name.

There are numerous situations where the municipal corporation may find itself facing civil liability for its actions or its omissions. Contract law, for example, is an area of frequent litigation involving municipal corporations. This is due to the fact that municipalities are constantly involved in a vast number of contracts, both oral and written, the majority of which are taken for granted. A contract relationship exists with all municipal employees. For instance, an improper dismissal of an employee can result in a lawsuit against the employing municipality. Failure to abide by contractual commitments in purchasing equipment, to use another illustration, can result in a lawsuit for breach of contract. Whatever the problem, a civil action in the courts resulting from a contract that was not honoured will likely result in the court awarding a wronged party financial

compensation for their losses.

Another area of the law that is achieving increasing prominence is that of negligence (carelessness). The courts award damages (financial compensation) to the wronged party where there are physical injuries to persons or their property. In some circumstances, compensation has been awarded for economic losses even without injury to persons or physical damage to their property. Damages can arise where injuries result from something the municipal corporation has done carelessly, or where its employees have acted carelessly, or where the municipal corporation has failed to do something it should have done. If, for example, the municipality has a responsibility for road repair, damage caused by untended potholes, particularly if neglected for some time, can result in liability. If the sewer system is a municipal responsibility, a back-up caused by careless maintenance could result in a lawsuit. Poorly maintained playground equipment or exposed areas that pose hazards to children are lawsuits waiting to happen.

Careless words can result in liability for the municipality. One leading Canadian case involves a municipal corporation whose clerk advised a resident that a particular section of the municipality was zoned for commercial development. After the resident established a used car business at the location in question, he was advised that the area was zoned residential and he was forced to move his business elsewhere. He successfully sued the municipal corporation and was awarded the cost of relocating his business because of the negligent misstatement. The moral of the case is clear: misinforming the public about some municipal matter may not always have such costly consequences, but if a person is seeking accurate information and makes it clear he or she will be relying on such information, you should be certain the information is correct or indicate your uncertainty to avoid this type of liability.

CRIMINAL LIABILITY

Criminal liability can be imposed on the municipal corporation, although instances of this are rare. In one case where criminal liability was imposed on a corporation, but not a municipal corporation, a charge of criminal negligence causing

death resulted when a child drowned in a reservoir owned by the corporation after repeated warnings from nearby residents that the surrounding fence needed repairs. The corporation ignored the residents and failed to fix the fence. As in all criminal cases involving a corporation as the accused, the penalty for a guilty plea is the same as when a natural person is found guilty: a fine and/or imprisonment. How does the corporation go to jail? By sending its directors there. In the case of a municipal corporation, the directors are the elected officials.

After posing this question, it is only fair to emphasize that the courts usually bend over backwards to shelter elected officials from personal liability for their actions on behalf of the municipal corporation. In so doing, the courts are recognizing both a legal concept and a matter of common sense. From a legal standpoint, agents of a corporation are exempt from personal liability when they are acting in good faith and in conformity with the fundamental law of the corporation. In the same way, the corporate structure serves to shield elected officials of the municipality from personal liability when they are acting in good faith and in conformity with the fundamental law of the corporation, even though the municipality itself incurs liability as a result of these actions. The common sense of the matter is the courts recognize that if personal liability were imposed on corporate directors in accordance with strict standards, no one would wish to serve in this capacity. On a parallel vein, there would be a great reluctance among members of the public to offer themselves for election as municipal officials if the standards of conduct imposed on them while in office ensured they would be held personally accountable through their own pocketbooks for actions they sanctioned on behalf of the municipality. It is not surprising to find that the Supreme Court of Canada has ruled that individual members of a municipal corporation are not personally liable for an act of the municipal corporation unless they acted maliciously and the corporate name was used to veil the malicious act, or unless the act was *ultra vires*; that is, outside the powers of the municipal corporation.

In summary, if elected municipal officials are acting in good faith, they are not usually held personally liable for the actions they take (or fail to take) in the exercise of their

responsibilities on behalf of the municipality, even though the municipality itself may be liable. The crunch comes when the elected official acts purportedly on behalf of the municipality, but in regard to a matter in which the municipality has no jurisdiction. A recent Saskatchewan case held that a councillor was personally liable for ordering the construction of a road on private property which had not been authorized by the council. A contract between a Nova Scotia municipality and the supplier of snow removal equipment was held to be null and void on the grounds that the equipment was ordered without the approval of the municipality; the councillor was not named as a party to the legal action, but had he been included in the lawsuit, he might have been held responsible for the costs involved. To avoid such problems, the elected official should ensure his or her actions are within the scope of the responsibilities and duties of the position.

BYLAWS

An extremely important function of the local government is the passing of necessary bylaws. A bylaw is a law of the local government which is authorized to make such a law. It is a law of the locality only and does not apply to the province in general or otherwise outside the boundaries of the particular municipality. A bylaw is made by the legally authorized representatives of the inhabitants of a local government area. A bylaw is a law in the true sense of the word in that, once it is enacted, it has the force of law and applies as a general rule of behaviour in one particular jurisdiction. Within those boundaries, it has the same effect as a law passed by the province or the federal government, and certain penalties can be imposed for failure to observe it. However, even though a bylaw has the same legal force as a statute of the provincial or federal government, a bylaw does have an important distinguishing feature. Whereas a statute is not open to attack on any grounds except its constitutionality (i.e., it is a federal law that involves a provincial subject-matter or vice versa, or it is a law that contravenes the Charter of Rights), a bylaw can be challenged by calling its validity into question on any one of several grounds.

Whether a municipal bylaw will be held to be valid, and therefore enforceable, depends on a number of factors. Whether the bylaw is within the powers of the local government; whether

it is repugnant to the law of the province; or whether it has been made in the *bona fide* interests of the inhabitants, are but a few of these conditions. The best way to ensure that the bylaws of the municipal corporation will be held to be valid if challenged in the courts is to have professional assistance from the municipal solicitor in drafting the bylaws and to make certain that any and all procedural requirements (such as the provisions of Part XI of the **Municipalities Act**) are followed with great care.

The enforcement of bylaws is a problem area. Enforcement procedures are not spelled out with clarity in the legislation that most directly affects the municipalities of Prince Edward Island. Even without these procedural uncertainties, there are practical problems concerning the enforcement of bylaws, particularly in smaller municipalities. The time, effort, and financial costs involved in enforcement procedures may result in bylaws that are enforced only against those who comply voluntarily. Ideally, enforcement procedures should be considered when bylaws are being initiated. In any event, bylaws should specify a maximum and minimum penalty, and the enforcement mechanism and policy should be considered in consultation with the municipal solicitor.

ELECTIONS

Municipal elections provide an opportunity for the residents of the community to select persons who can, in effect, act as a board of directors for the legal entity and, by so doing, give a collective voice to the non-natural person the law has created. It is important that elections be conducted in accordance with the statutory provisions, that only those who are eligible as candidates be permitted to seek municipal office, and that only those who are eligible as electors be granted the right to vote.

Too often, municipal officials depend solely on some vague notion of the rules in answering questions about electoral procedures and in conducting elections. For example, in one recent municipal election, the successful candidate had resided in the municipality only four months prior to the election, while the legislation relevant to that municipal corporation specified that eligible candidates were required to be residents within the

boundaries for six months. Once the error was discovered, it was necessary to take remedial action. A new election in that particular situation was recommended. In another municipality, the successful candidate was not in attendance at the annual meeting. After some discussion, the majority of the electors in attendance agreed that such disinterest disqualified him from accepting office. The municipal administrator sought legal advice and learned that the candidate could not be disqualified from holding office on such grounds.

Similar incidents of "layman's law" abound in relation to the procedures for elections and the qualification for electors and candidates. A thorough familiarity with the relevant provisions of municipal law in the area of elections will ensure that situations such as the examples cited do not materialize. Irregularities in the election of a municipal council could call into question the validity of any and all acts done in the name of the municipality following such election.

CONFLICT OF INTEREST

Section 23 of the Municipalities Act deals with conflict of interest. It states that:

No member of council shall derive any profit or financial advantage from his position as a member of council and, where a member of council has any pecuniary interest in or is affected by any matter before the council, he shall declare his interest therein and abstain from the voting and discussion thereon.

The Act is fairly specific and deals primarily with pecuniary interests. As we shall see from the next quotation, taken from an article by Ian MacF. Rogers, conflict of interest can be broader and more complex than the minimal requirements set out in the Act.

It is highly desirable that those elected to govern are completely free to arrive at decisions based on their opinions on policy, without being influenced by factors or ulterior motives which would prevent disinterested and unbiased decisions from being made. Public policy

Since many councillors are drawn from the prominent ranks of the community, they invariably will find themselves in potential conflict situations during their term of office.

Conflict of interest is, and will be, a controversial issue. The specific way in which conflict of interest is defined and handled, legislation notwithstanding, is a matter which needs to be resolved by each council.

THE MUNICIPAL SOLICITOR

It must be stressed that serious problems can be created, both for the municipal government itself and, in some instances, even for the councillor in a personal capacity, by failing to rely on the municipal solicitor for professional advice. Likewise, serious problems can be avoided by early consultation. When is professional advice needed? Probably far more often than most elected officials realize. Always remember the old adage: an ounce of prevention is worth a pound of cure. It is far better to err on the side of caution and learn that professional advice coincides with one's thoughts on a matter than to sally onwards in blissful ignorance of a pending disaster until crisis necessitates intricate and expensive intervention. When in doubt (and even, on occasion, when not in doubt), the wise councillor consults the municipal solicitor.

CONCLUSION

Elected municipal officials should have a working knowledge of the legislation that has created the municipal corporation they serve, an awareness of the importance of adhering to its provisions, and a willingness to seek professional advice in meeting the responsibilities of their position. Combined in reasonable proportions with a suitable dosage of good faith, these ingredients will fortify the elected official in facing the challenges of municipal government.

Chapter Four

Budgeting



INTRODUCTION

On a personal level, budgeting is something we all do, either consciously or unconsciously, on a daily basis. We make fundamental decisions regarding our education, our work, and our family, to name but a few. The decisions we make reflect our personal likes and dislikes or, put another way, reflect our personal goals in life. Moreover, these decisions are placed within the reality of our personal finances. While it may be desirable to have a large house, a new car, and an eight-week vacation period, few of us have the financial resources to provide

this kind of lifestyle. Thus, as individuals, we incorporate into our personal decision-making the three essential elements of budgeting: goal setting, scarce resource allocation, and choice. As individuals, we may not always use these specific terms in our personal affairs, but we do make choices based upon what it is we want and how much we can afford.

Municipalities budget in much the same way as individuals. Instead of making decisions based upon personal goals and finances, municipalities make decisions based upon the needs and expectations of the community, coupled with the ability of the community to pay. The role of the municipal politician is, therefore, to translate in services the short- and long-term needs of the community at a price it can afford and within the boundaries prescribed by law.

Elected municipal officials regularly face numerous, and perhaps conflicting, resident concerns and requests which have financial implications for the municipality. One hears, for example:

"Our tax rate is too high."

"We need a new fire hall, community centre or more parklands!"

"Our municipality requires a full-time recreation coordinator!"

"Safety demands greater fire/police protection."

Most legitimate concerns are noted and considered by council members. However, with limited revenues, municipal officials find themselves in a situation where compromises must be made among various programs in the process of allocating their available financial resources. The municipality may want to hire a full-time recreation coordinator to expand the range of its recreational services. Without reductions in other areas, however, this decision could cause the tax rate to increase to an unacceptable level.

To decide how its financial resources are to be used, the municipality must have a planned course of action to follow. This financial plan is referred to as a budget, which may be simple or complex in nature, depending upon the size of the municipality and the types of services and programs which it provides.

THE OPERATING BUDGET

Essentially, an operating budget is a plan expressed in numbers. It has a future orientation, as the budget represents a statement of what a community "intends to" or "shall" do over a definite period of time, generally one year. Most importantly, the effective operating budget document responds to, and incorporates, the overall goals and objectives of the municipality, adheres to a recommended tax rate, and maintains the necessary programs and desired levels of service during the upcoming twelve-month period.

The budget document consists of estimates of the proposed expenditures for the given time period and estimates of revenues to be derived through the proposed means of financing those expenditures. Since much of this information is not precisely known during budget preparation, the preliminary budget is really an estimate of what the municipality expects will take place over the next year.

The range of services for which a municipality may expend money is enumerated under Section 30 of the **Municipalities Act** (see Appendix I-A, Chapter One). While municipalities do in fact provide many of these services, it is nevertheless important to note that the legislation is permissive rather than mandatory. In other words, Section 30 lists the services a municipality may provide. There is no statutory obligation for a municipality to provide any of these services.

SAMPLE BUDGET

Name: Community of Alsask
Title: General Operating Budget
Time Period: 1989 (January 1 to December 31)

Expenditures:

Administration	\$16,000
Police Protection	8,500
Fire Protection	5,000
Garbage Collection	3,500
Recreational Services	<u>5,500</u>
Total Expenditures	<u>\$38,500</u>

Revenues:

Real Property Taxes	\$27,000
Garbage Collection	3,000
Equilization Grant	7,000
Miscellaneous Revenues	<u>1,600</u>
Total Revenues	<u>\$38,600</u>

Surplus/(Deficit) **\$ 100**

The above sample budget shows that the Community of Alsask intends to spend \$38,500 during the time period January 1 to December 31, 1989, in the various program areas identified. It also shows that approximately 70 percent of the community's projected revenues will be derived from the residents via their municipal property tax. Other sources of revenue are also identified on the budget document. The difference between the

projected expenditures and projected revenues is the municipality's projected deficit or surplus position for the stated time period. The Community of Alsask is projecting a surplus of \$100 because its projected revenues are greater than its projected expenditures.

BUDGET PREPARATION

The preparation of the operating budget requires the involvement of both the municipal staff and the municipal council. Their combined experience with previous budgets can be brought to bear on the preparation of the current budget. Experience may show that the need for some services has decreased while the need for others has increased. Experience might also suggest ways of delivering existing services in a more efficient manner.

It is vital that, during this process, council and staff work closely together combining both their experience and judgement. The role of staff is to provide the technical assistance for budget construction, to advise council of the likely implications of its decisions, and generally to ensure that council has all the pertinent information in a concise and readable format in order for it to make informed and timely decisions. The role of council is to ensure that the services provided by the municipality are in accordance with the wishes, needs, and pocketbook of its citizens.

In making that determination, the council should ask such questions as:

How much can the municipal unit afford to spend on meeting demands for new services?

Can increased revenues be expected to meet the costs of such services, or will a tax increase be required?

Are citizens prepared to accept a greater tax load in order to finance improvements in the community?

If choices have to be made, which will produce the greatest benefit?

During the preparation stages, it is almost inevitable that some conflict will arise between staff and council. This is quite normal, since the attitude, experience, and judgement of each may differ substantially. If this is recognized and a genuine effort is made to reconcile differences as they surface, then conflict can be healthy and productive. Ultimately, the elected councillor must make the decisions and be held accountable for them but, in the process, he must carefully weigh the advice of staff.

Budget preparation can be both a science and an art. Historical information regarding the costs of services in previous years, along with known revenue sources, can provide the basis for current year estimates. However, municipalities can be ingenious in seeking out ways in which to qualify for both federal and provincial grants, as well as those available from private institutions and foundations. These latter forms of revenue, usually attached to specific projects, do not relieve citizens from their fair burden of taxation, but rather provide for a facility or service that could otherwise not be afforded by the municipality.

BUDGET APPROVAL

In Prince Edward Island, the budget year, also referred to as the municipality's fiscal year, is from January 1 to December 31. The **Municipalities Act** requires each municipality to have, on or before April 1 of each year, an approved operating budget. This budget is approved, in the case of communities, at an annual meeting of the residents and, in the case of towns, by the council. The method of budget approval represents one of the major differences between towns and communities.

After the budget has been approved at either a residents' meeting or by the council, and after accounting for the probable revenue from all non-tax sources, the council, by resolution, can levy a rate of taxation sufficient to meet its projected expenditures for that year. The municipality is required to notify the provincial Minister of Finance of the rates of municipal taxation.

The approval of the budget does not mean an end to budget deliberations – quite the contrary. Once the budget is

approved, both council and staff need to monitor and evaluate the services being provided by the municipal unit to ensure they are meeting expectations and are within their budget. Moreover, unexpected increases in costs, as well as decreases in revenues, will necessitate periodic re-evaluations of the budget with, perhaps, some remedial action being required. For example, an unexpected and early snowfall may mean an increase in the financial resources needed for snow removal, while a poor tourist season could reduce the ability of the citizens to pay.

THE CAPITAL BUDGET

There are two main types of budgets commonly used in municipal financial management: the operating budget, as previously discussed, and the capital budget. The operating budget (or current budget, as it is sometimes called) is the plan of the municipality's usual activities for a specified period of time, usually one year. It lists revenues and expenditures related to the provision of services which will be "consumed" by the residents of the municipality during the fiscal year.

In addition to municipal government's responsibility for the provision of services on an ongoing basis, it must also from time to time acquire certain capital assets, such as buildings, land, and equipment, needed to carry out its functions. Because the acquisitions require large outlays of money, most municipalities are forced to borrow money by way of a loan or through the issue of debentures. Capital budgets must be maintained to carefully plan the financing of these assets. It would not be proper to pay for a very expensive piece of equipment out of the funds budgeted for a single year, since that purchase will provide benefits for several years, if not decades. If assets having an extended life are paid for over a short term, an undue burden is placed on existing taxpayers in favour of future taxpayers. On the other hand, financing of such a purchase over a very long period may mean that future taxpayers may still be paying long after the asset is obsolete or worn out.

Capital budgets usually attempt to project municipal needs five or ten years into the future. Most capital expenditures, such as the building of a sewer line or the purchase of a fire truck, can be projected well in advance. The capital budget, while prepared

or revised annually, must assign priorities to municipal needs and carefully produce a schedule or timetable for meeting them. The capital budget is maintained separately from the operating budget. Only the loan payments or debt retirement charges find their way into the annual operating budgets as expense items.

The size of the capital budget is generally closely watched over by the provincial government to ensure that municipalities do not find themselves with too heavy a debt load. Prince Edward Island provincial legislation limits total long-term or capital debts to 10 percent of the current real property taxable assessment of a municipality. Thus, if a municipality has a \$25 million tax base, it may have a maximum of 10 percent, or \$2.5 million, outstanding in total capital debt at any one time.

MUNICIPAL REVENUES

Property Tax

The authority for municipalities to levy local property taxes in Prince Edward Island is expressly stated in the **Real Property Tax Act**. The **Real Property Assessment Act** establishes the Province, through the Land Valuation and Assessment Division of the Department of Finance, as the single authority for the assessment of property on its own behalf and on behalf of municipalities and school boards.

Prior to 1971, individual municipalities assessed property within their boundaries and had authority to levy any number of special taxes, including poll taxes, school taxes, sidewalk taxes, and automobile taxes, to name but a few. In 1971, following an in-depth study on the tax system, all of these smaller taxes were abolished in favour of the single property tax, and all responsibility for land valuation and tax collection was assumed by the Province.

The property tax is unquestionably the single largest source of revenue for Prince Edward Island municipalities. On the average, funds realized by way of property tax account for approximately 70 percent of total municipal revenues.

As a rule, all property in the province is assessed or

valued for property taxation purposes; however, some properties, such as schools and churches, are exempt from the application of taxes.

Grants in Lieu

Provincial and federal government properties are exempt from taxation. However, the provincial and federal governments make voluntary grants to the municipality in which the property is located. These grants are called grants in lieu of taxes.

Transfers

The second most significant source of revenue for municipalities is transfers from the provincial government.

In 1987, a four-part municipal grant program was introduced by the Province. Under this arrangement, funds are distributed on the basis of police, highway maintenance, and recreation services. A further component of the program takes into account municipal tax bases.

The purpose of the program is to compensate municipalities that provide a full range of services and to assist those that are unable to generate revenue because of poor tax bases.

User Fees

Municipalities have the authority to raise revenue through user fees. User fees can be an alternative revenue source when the service provided to an individual or a household can be measured and the cost of providing that service, in whole or in part, can be passed on or charged to the consumer. For example, municipally owned utilities for the provision of sewer and water are generally financed by way of a direct user fee.

The financing of services by way of user fees has a number of equity considerations which need to be examined closely before a position is adopted by council.

Other Revenue Sources

In addition to revenue from property taxation and grants, a municipality may also generate funds from the sale of services or from collecting licence fees and fines. These, however, are minor sources of funds that contribute, on the average, less than 5 percent to total revenue.

Sale of services is generated, for example, when the municipality contracts to provide or extend a service to another municipality or to residents in an unorganized area outside the municipality. This is frequently the case with fire protection, where a municipality may agree to provide a service outside its boundaries.

Another source of revenue for a municipality is licence fees. Municipal legislation in Prince Edward Island allows towns and communities to licence business operations within their boundaries, to issue building permits, and to charge licence fees for domestic animals such as dogs. The licence approach serves two functions for the municipality; it provides revenue, and it also provides some measure of control. Normally the amount of licence fees is prescribed in a municipal bylaw.

Another revenue source for municipalities arises where fines are collected because of infractions against a municipal bylaw, such as the parking regulations.

Although few municipalities have much money to invest, idle funds can be used to generate interest, if only for short periods of time.

THE ROLE OF THE AUDITOR

The role of the auditor is primarily one of control. It is the auditor's responsibility to report on how accurately the financial statements reflect the true state of affairs of the municipality and to verify that the practices followed with respect to the handling of the fiscal resources of the unit have been in accordance with both provincial and municipal legislation. Accordingly, the auditor's report should be made directly to the council.

The auditor has a specialized and important function to perform that is quite separate from keeping books and preparing financial statements. In cases where the auditor actually prepares the financial statements, it is done in the acting capacity as an accountant, not as an auditor. Municipalities that use an auditor in this way are spending money for an activity which could be performed by the municipal staff at less cost.

In accordance with Section 27 of the Municipalities Act, every municipality with expenditures in excess of \$30,000 must annually appoint an auditor.

Chapter Five

Organization and Conduct of Meetings*



INTRODUCTION

Who has not vowed, at some time or other, never to attend another meeting?

Meetings that start late and drag on without constructive outcome, that drift aimlessly from one topic to another, or where discussion is monopolized from the chair or by some other garrulous speaker, are all too familiar. When such meetings take place in municipal council chambers, tempers and frustrations often cause the business of local government to grind tediously to a halt.

* Adapted from a lesson prepared by Don Maclean of the Institute of Public Affairs, Dalhousie University, for the Certificate Course in Municipal Administration.

This chapter emphasizes that orderly procedure is essential to effective municipal decision-making. Every member of council has the right to expect that council meetings be well run; also, every member has the personal responsibility to ensure that his or her own participation contributes to that end.

Despite the fact that procedure is central to the fundamental process of municipal decision-making, it is a subject that often tends to be neglected. If members understand clearly how municipal council meetings ought to be conducted, it helps to reduce frustrations and to increase the sense of satisfaction that should be a reward for public service.

STARTING ON TIME

Meetings often fail to start on time, not because the appointed time is inconvenient, but because the chairman has become accustomed to starting late. Members have been conditioned to realize that if they arrive on time, they will be too early. If a chairman insists on starting precisely at the appointed and announced time and acquires a reputation for punctuality, most members will tend to arrive on time.

There is no excuse for a chairman to plead, "Others are coming, so let's wait a little longer." A chairman should not inconvenience people who have taken the trouble to arrive on time in order to accommodate people who have not taken the trouble. Sometimes, inexperienced or self-conscious chairmen "wait a little longer" for psychological reasons. They really want, like a swimmer facing icy water, to put off as long as possible that breath-taking plunge of starting the meeting and getting on with the business at hand.

AGENDA

Agenda is a Latin word that means "things to be done". A meeting's agenda is, therefore, a list of things to be done. All persons attending a meeting of council, or one of its committees, should receive a copy of the agenda with appropriate background documentation well in advance of the meeting date. In many situations, it is prudent to encourage those attending the meeting to indicate to the secretary, or other responsible individual, any

agenda items that they wish to see included.

Often a "notice of meeting" memo is received indicating the specific time, date, and location of the meeting, with only passing reference to its purpose. A meeting in which the participants have not had the prior opportunity to review its agenda and background information is at a severe disadvantage. Considerable time will be devoted to generating information on which to base decisions. It should, therefore, come as no surprise when a meeting seems to go on indefinitely and yet still leaves some items unresolved. The lesson is clear. If you want your meeting to be more effective, know what is to be discussed and expect the administration to ensure you are provided with background information that you can review prior to the meeting.

THE ROLE OF THE CHAIRMAN

The role of the chairman is a demanding one. The chairman has the prime responsibility of ensuring that the meeting follows established rules of procedure and, accordingly, must be familiar with not only established rules, but also with whatever procedural bylaws are in effect.

A good chairman is impartial and will appear to have virtually no interest in the issues confronting the meeting; rather, the chairman will be interested primarily in seeing that whatever decisions are reached (good, bad or indifferent) are made democratically and according to established procedure. This is often a difficult stance for an individual to sustain, since the chairman is normally very much interested in the issues that come before the meetings. Naturally, the chairman may have decided views and will always be concerned that sensible decisions are made.

If a chairman finds it impossible, in all good conscience, to refrain from speaking on an issue, the individual should step down from the chair and designate a suitable replacement, or as otherwise determined by bylaw.

The one major and fatal failure of many chairmen is that they become involved in the debate and forget their sole duty of keeping order. It is often difficult to distinguish between the

legitimate role of the chair in clarifying and introducing issues with that of putting forward a personal view. Good judgement is, therefore, the hallmark of a successful chairman.

It is customary, in the British Parliamentary tradition, for persons to address the chairman when speaking. Before addressing the chair, each person should be recognized; that is, they should be given permission by the chairman to speak. Persons not given permission are out of order. Generally, the chairman should grant one opportunity to each person who desires to speak on an issue before granting a second opportunity. Persons wishing to speak usually indicate this by raising one hand. It is a wise practice for the chairman to write down the names of those who wish to speak in the order in which they indicate that desire. This ensures fair and impartial treatment. Discussion should be pertinent to the agenda item. Often, there is a great tendency to introduce into the discussion business that properly belongs under another agenda item or that is totally irrelevant. In either case, the chairman should rule the discussion out of order and indicate the reasons for doing so.

MOTIONS

Formal meetings can, at first glance, appear to be unnecessarily rigid and, hence, hinder rather than facilitate the orderly flow of business. However, with a knowledge of the procedures and with practice, meetings can be made more productive and decisive.

There are four basic principles from which formal procedures derive their importance:

1. justice and courtesy for all;
2. recognition of the will of the majority;
3. protection of the rights of the minority; and
4. one thing at a time.

A good chairman will keep these principles in mind.

Formal meetings dispose of each item of business in the form of a motion. A motion, quite simply stated, is a proposal put before a meeting for consideration and discussion. The procedure for dealing with motions is as follows.

Procedure One: The motion must be stated by the mover; that is, the person who introduces the motion.

"Mr. Chairman, I move that the Chief Administrative Officer prepare a background paper regarding the feasibility of constructing a hockey rink adjacent to the swimming pool."

Procedure Two: Another person at the meeting must agree that the motion is worth considering and signifies this by seconding the motion.

"Mr. Chairman, I second the motion that the Chief Administrative Officer prepare a background paper regarding the feasibility of constructing a hockey rink adjacent to the swimming pool."

Procedure Three: Before the motion can be discussed, it is appropriate for it to be restated by the chairman, or by the secretary or clerk at the request of the chairman.

"We have a motion to request the Chief Administrative Officer to prepare a background paper regarding the feasibility of constructing a hockey rink adjacent to the swimming pool."

Before the motion is restated, it can be withdrawn with the approval of both the mover and the seconder. Once the motion has been restated, it belongs to the meeting and cannot be withdrawn.

Procedure Four: At this point, the chairman asks, "Is there any discussion?"

At this time normal discussion, relevant to the motion, can take place. At all times, discussion should be directed towards the chair and not to other committee members. It is customary to introduce any comment by "Mr. Chairman . . ." or by "Madam Chairman . . ." In addition, one should not discuss a motion until recognized by the chair.

Procedure
Five: After suitable discussion has taken place, the motion is restated. The chairman will ask,
"All in favour of the motion signify by saying yes."
"All those contrary minded, signify by saying no."
The chairman will then say either,
"The motion is carried," or "The motion is defeated." Occasionally, when it is unclear if the motion has been carried, a standing vote or a show of hands may be required.

PRECEDENCE OF MOTIONS

Meetings do not always run as smoothly as the above sequence of steps would suggest. Often, confusion occurs when more than one motion is put before the meeting at any one time. Which one do you deal with first? To set things straight, a Table of Precedence has been prepared and is included as Appendix V-A at the end of this chapter.

A chairman should ask: Does the kind of motion being introduced appear before or after the motion already under discussion? If the motion "being introduced right now" appears before, it takes precedence and must be dealt with now. On the other hand, if the motion "being introduced right now" appears after the motion already under discussion, it does not take precedence and must not be dealt with now.

If, for instance, a meeting were discussing a motion to limit debate (9) and someone introduced a motion to recess (4), discussion of the motion to limit debate must cease until the motion to recess has been dealt with. If, on the other hand, a motion to limit debate (9) were under discussion and someone introduced a motion to refer the matter under discussion to a special committee (11), the chairman would rule out of order the motion to refer.

The table of precedence of motions is a handy guide, and every chairman and councillor should either commit it to memory or keep it within reach at every meeting.

AMENDMENTS TO MOTIONS

Another area in which some confusion arises is when a main motion is before a meeting and an individual wishes to make an amendment to the motion. Amendments are made when one is in favour of the main motion in principle but finds disagreement with some particular wording. An amendment alters a main motion in one of the following ways:

- by adding words (insertion);
- by taking away words (deletion); or
- by taking away words and putting new words in their place (substitution).

A motion to amend should always include one of the following expressions:

"...that the main motion be amended by inserting the words..."

"...that the main motion be amended by deleting the words..."

"...that the main motion be amended by substituting the words..."

For example, our original motion is:

"Mr. Chairman, I move that the Chief Administrative Officer prepare a background paper regarding the feasibility of constructing a hockey rink adjacent to the swimming pool."

Now, suppose one member is in favour of the motion, but feels that a time frame should be included in the motion, the member may amend the motion by stating:

"I move that the main motion be amended by inserting the words, 'within two weeks,' after the word, 'paper'."

Since a motion to amend is number 12 on the table of precedence, and the main motion is number 13, the amendment takes precedence and, accordingly, must be put to a vote prior to dealing with the main motion. Remember, an amendment

must follow the same procedure as a main motion:

- it should be stated by a mover;
- it should be seconded by another person;
- it should be restated by the chairman;
- it should be discussed; and
- it should be put to a vote.

If an amendment is approved, this does not mean an automatic approval of the main motion. The main motion must be put to a vote after all amendments have been dealt with. There are no procedural limits to the number of times a main motion can be amended.

Sometimes, the need will occur to amend an amendment. This can be achieved in one of two ways: by introducing an amendment to an amendment; or by defeating the original amendment and introducing a new amendment which incorporates the changes sought in the amendment to the amendment.

MINUTES

Minutes are the official record of a meeting's proceedings. They should be clear, accurate, concise, and include the following essential information:

- the name of the organization;
- the time, date, and place of meeting;
- the names of members present;
- the chairman's name;
- the adoption (with corrections noted, if any) of the previous meeting's minutes;
- the date, and the name of the sender and receiver, of every letter either read to the meeting or otherwise brought to its attention;

- the name of the mover and the seconder of motions, a statement of every motion, and whether the motion was adopted or defeated (withdrawn motions are not minuted);
- the date of the next meeting;
- the time of the adjournment; and
- the signature of the secretary and, if desired, the chairman.

Whether minutes should record discussion related to each motion is a matter of discretion for each council to decide. It is useful sometimes to record discussion related to especially contentious issues, or to include an impartial summary of principal arguments expressed for and against certain motions. A record of discussion can be useful if, for instance, a motion deals with something to which the meeting is likely to give continuing attention. In any event, minutes should never be so brief as to be virtually unintelligible to anyone who was not present at the meeting; neither should they be a verbatim record.

Minutes are, in effect, a meeting's memory, enabling it to function with a sense of recollection and continuity. They are not kept solely for short-term use. They constitute a permanent record, which may be consulted many years hence, and should be written with an eye to the remote future.

Minutes should be mailed promptly. Among other purposes, they serve as a reminder to members who have been assigned certain tasks that require early action.

Appendix V-A

MOTIONS: TABLE OF PRECEDENCE

MOTION	USUAL PURPOSE
1. MOTION TO SET THE DATE AND TIME OF THE NEXT MEETING • requires a mover and a seconder • requires, for adoption, a majority vote • may be debated, but only as to the date and time	• To ensure that those who must leave early know when the next meeting will be held
2. MOTION TO SET THE TIME TO ADJOURN • requires a mover and a seconder • requires, for adoption, a majority vote • may be debated, but only as to the time of adjournment	• To limit the length of the meeting
3. MOTION TO ADJOURN • requires a mover and a seconder • requires, for adoption, a majority vote • may be debated, but only as to the time of adjournment	• To end the meeting
4. MOTION TO RECESS • requires a mover and a seconder • requires a majority vote • must not be debated	• To provide a pause or break
5. MOTION TO RAISE A QUESTION OF PRIVILEGE • requires a mover only, who may interrupt another speaker • requires no vote • must not be debated	• To assert rights of members • To improve the environment (<i>ventilation, noise level, etc.</i>)

6. MOTION TO RAISE A POINT OF ORDER
 - requires a mover only, who may interrupt another speaker
 - requires no vote
 - must not be debated
 - To correct a failure to comply with approved rules of order or bylaws
7. MOTION TO LAY ON THE TABLE OR TO REMOVE FROM THE TABLE
 - requires a mover and a seconder
 - requires a majority vote
 - must not be debated
 - To discuss immediately or to postpone discussion
8. MOTION TO PUT THE PREVIOUS QUESTION
 - requires a mover and a seconder
 - requires a two-thirds vote
 - must not be debated
 - To limit amendments and to have an immediate vote
9. MOTION TO LIMIT DEBATE OR TO EXTEND THE LIMIT OF DEBATE
 - requires a mover and a seconder
 - requires a majority vote
 - must not be debated
 - To limit discussion or extend discussion
10. MOTION TO POSTPONE TO A DEFINITE DATE AND TIME
 - requires a mover and a seconder
 - requires a majority vote
 - may be debated, but only as to the time
 - To make way for more urgent business
 - To provide time for further study
 - To ease tensions
11. MOTION TO COMMIT OR REFER (*e.g. TO A STANDING COMMITTEE OR TO A SPECIAL COMMITTEE*)
 - requires a mover and a seconder
 - requires a majority vote
 - may be debated
 - To provide time for further study

- 12. MOTION TO AMEND**
- requires a mover and a seconder
 - requires a majority vote
 - may be debated
- 13. THE MAIN MOTION**
- requires a mover and a seconder
 - requires a majority vote
 - may be debated
- 14. MOTION TO RESCIND**
- is a main motion
 - requires a mover and a seconder
 - requires a majority vote, if introduced with advance notice having been given; or, otherwise, a two-thirds vote
- To add, to delete, or to substitute words in the main motion
 - To make a substantive decision
 - To annul a motion adopted already

Appendix V-B

PRINCIPLES OF PARLIAMENTARY PROCEDURE

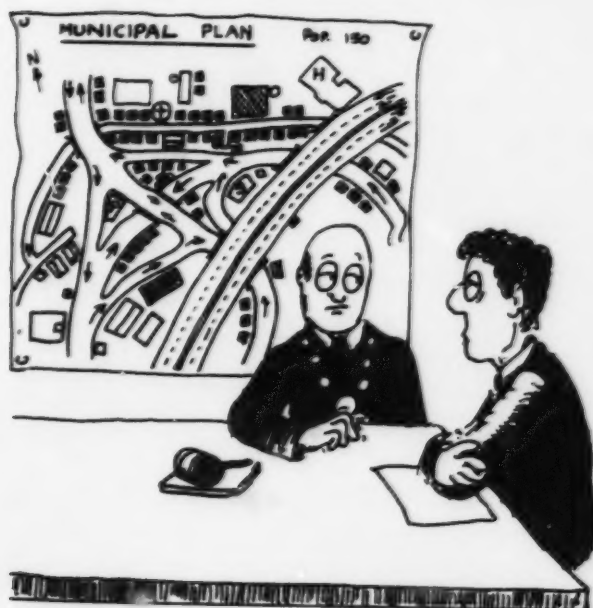
1. Parliamentary laws are designed to promote the will of the majority, having given due consideration to the minority.
2. The officer presiding over an assembly shall apply the rule of fairness and equal justice to all.
3. Under the Rights to Freedom of Speech and Peaceful Assembly, a member has the fundamental right not to be improperly attacked in a meeting.
4. Silence means consent.
5. Parliamentary debate is always on principles, not personalities.
6. One thing at a time.
7. An assembly has the right to determine how to best use procedure in an unusual situation.
8. It is a fundamental right of any member to introduce propositions to the assembly, which can only be denied by a two-thirds vote.
9. Parliamentary law favours efforts to correct any mistakes made in motions.
10. Minutes must constitute an accurate record of the actions of the assembly.
11. The minutes of an assembly can only be approved or corrected by that same assembly.
12. A minority, having had its say, should not be allowed to hold up business and delay majority decision.
13. One person, one vote.

14. An assembly has the right to set its own procedure (Standing Rules, and the Order-of-Business for the Agenda), so long as this is not contrary to law and the assembly constitution.
15. No speaking without recognizing the chair.
16. All debate must cease when the presiding officer (chair) rises.
17. A council has the right not to have its time wasted.
18. The mover of a motion is entitled to state it in his own words for the consideration of the council, but once seconded and restated by the chair, the proposition belongs to the council which is entitled to deal with it as it wishes.
19. A motion can be amended as often as necessary.
20. All amendments to a motion must be relevant to it.
21. An amendment to a motion can be amended only once.
22. Amendments of constitution and bylaws require a larger than majority vote (two-thirds recommended).
23. A member has the right to interrupt debate at any time on a matter of ~~privilege~~.
24. A member has the right to immediately challenge a personally unfavourable ruling of the chair, and the assembly must either support the member or the chair.
25. Unless otherwise stated by Standing Rules, a proposition once disposed of (meaning adopted/rejected/postponed/objected to) may not be reintroduced during the same session except by a motion to reconsider it or rescind it.
26. It is a firm rule of parliamentary procedure that lawful business may not be conducted in the absence of a quorum.

27. Where no regulation exists on a quorum, it shall be a majority (half plus one) of the members.
28. No committee has the power to bind the assembly that appointed it, by any action or report of the committee. All committees recommend only.

Chapter Six

Community Planning



INTRODUCTION

In daily life, everyone "plans". In our work, we decide what tasks need to be done first. We plan our evenings and weekends to give us the best return in terms of the things we like to do. We work out our personal finances, making such decisions as whether to buy a car or take a vacation. We may practise family planning. There are hundreds of examples, each of which has one common element; a process of thinking ahead and making decisions.

Among the various kinds of planning that municipal councillors do, community planning, the subject of this chapter, deals mainly with the use of land. It is a process of decision-making that involves financial, economic, social, environmental,

and political considerations. If community planning is done well, it can result in an attractive community that provides satisfaction and even pride to its inhabitants. On the other hand, where planning is weak, development results in an ugly sprawl and frustrated citizens.

Planning is not a simple process, for there are differing personalities and conflicting interests, as well as other levels of government involved in decisions that go into planning. The **Planning Act**, however, attempts to establish a workable framework for municipal and regional planning. Planning programs offer a challenge to every councillor, but the benefits to be achieved are well worth the effort invested.

REASONS FOR PLANNING

No municipality or region would undertake the arduous task of preparing a plan unless there were compelling reasons to do so. The following are some common reasons why municipalities decide to plan ahead:

1. **Land Use Conflicts:** Adjacent land uses may conflict with one another and create dissension among residents, land owners and municipal officials.
2. **Municipal Services:** The demand for services in a municipality may be greater than the municipality's ability to provide those services. Planning will assist in establishing priorities for the upgrading of older services and for the provision of new ones.
3. **Capital Public Works Projects:** Without planning, a municipality may be hard pressed to determine its priorities for capital improvement.
4. **Unrestrained Growth:** Uncontrolled development often places pressure on a municipality to provide additional services. Planning can help predict growth areas and place the council in a position of initiating, rather than responding, to change.

5. **Uncertainty about the Future:** A municipality's lack of data about its future may lead to bad management decisions. Planning will provide council with a future-oriented perspective.
6. **Programs and Special Projects:** Municipalities will frequently seek senior government participation and funding for special projects as well as regular programs. In considering requests for funding, senior governments generally require a proper rationalization for the program or project which is being proposed.
7. **Regional Development:** Where numerous communities lie within a single region, substantial inequities sometimes occur rendering some communities less well off than others. A regional approach to planning assists in providing cooperative and equitable development within the region.

PROVISIONS OF THE PLANNING ACT

The Planning Act provides the authority for a municipality to prepare an official plan. The Act also permits a municipality to adopt and implement an interim planning policy during the time that an official plan is being prepared.

In order for a municipality to undertake the preparation of an official plan under the Planning Act, it is required to work through a local planning board appointed by the municipality. A group of municipalities may also work in cooperation with one another through the formation of a joint planning board, with representation from all the municipalities involved. Thus, an official plan could be prepared to cover a single municipality or a region encompassing two or more municipalities.

The Planning Act makes no provision for plan preparation except through a planning board appointed for that purpose. Although the reason for this is not directly stated, it can be inferred that planning is a specialized task requiring the undivided attention of a separate body. The Act also provides for the appointment to the planning board of individuals who are not elected. Up to one-third of the members of a planning board may

be drawn from the community at large.

The powers and duties of a planning board are described in Section 9 of the Planning Act. They are:

1. to investigate and survey the physical, social and economic conditions in relation to the development of the community;
2. to prepare an official plan and to recommend it to the council for adoption;
3. to carry out alterations to a plan and recommend them to the council for adoption;
4. to prepare and recommend bylaws to implement the official plan;
5. to hold public meetings, produce publications, and obtain adequate public input into all planning matters; and
6. to assist council in planning for public works and improvements.

The Planning Act requires that an official plan be prepared on the basis of surveys and studies of land use, population, local economy, transportation and communication needs, public services, social services, and any other factors which the planning board considers important.

Where a measure of development control seems necessary during the period in which an official plan is being prepared and adopted, the planning board may also prepare and recommend to the council for adoption an interim planning policy. The Act describes the steps by which a council can adopt the interim policy.

Aside from the Planning Act, several other Acts are important to consider, since their provisions also affect the use of land. The Prince Edward Island Lands Protection Act governs non-resident and corporate ownership of land. The Real Property

Tax Act and the Real Property Assessment Act govern taxation and assessment, respectively, and the **Environmental Protection Act** provides for the management and prevention of all forms of damage to the natural environment.

THE PLANNING PROCESS

Once a community has decided to prepare an official plan, the following phases of activity will generally apply:

- Phase 1:** The planning board formulates a general statement of community goals and objectives, which reflects the general values and aspirations of the community in regard to future development. These broad goals and objectives act to provide a focus for the entire task of forming a plan.
- Phase 2:** A great deal of basic information about the community needs to be accumulated. When all the information has been assembled, it is examined and analyzed by the planning board. An important element of this information gathering is mapping, which provides much wealth of information about the land base of the community.
- Phase 3:** Following the information gathering and subsequent analysis, the plan can begin to take shape. It will describe private and public action needed to attain the community's goals over the next ten to twenty years. The result is a master plan laying out policies and programs in such categories as land use, transportation, and public facilities.
- Phase 4:** The final stage in the process is implementation. The success of the plan is very much dependent on the way it is implemented. Implementation may consist of activities such as community development projects, the establishment of ongoing development-control devices such as zoning and subdivision bylaws, building and housing codes, and other regulatory measures. The budget also plays a crucial role during the implementation stage for, without the allocation of

financial resources concomitant with planning activity, the plan is in danger of becoming a document laden with dust. As one may have already concluded, there is a strong role for the administration in carrying out and enforcing the policies of the plan during the implementation stage.

APPROVAL OF THE PLAN

The three bodies involved in approving an official plan are the planning board, the council and the Land Use Commission. After the planning board has prepared the official plan, in accordance with its powers under the Planning Act, it submits the plan to council for adoption. Once council is satisfied with the plan and the public has been given an opportunity for input, the plan is adopted and forwarded to the Land Use Commission. On receipt of the plan, and after review, the Commission will likely call a public meeting to discuss the plan with council. Subsequent to this meeting, further adjustments, as suggested by the Land Use Commission, can be made to the plan. With the Commission's seal of approval, the plan becomes official and is registered in the Land Registry Office.

Chapter Seven

Public Relations



INTRODUCTION

Public relations is a subject that needs to be considered by every elected municipal official. Those who hold elected office in a municipality are constantly on display and the public which they represent have both a need and a right to know "what's going on". To serve the legitimate information needs of the residents and taxpayers, each member of council must place a high priority on the communication process.

WHAT IS PUBLIC RELATIONS?

Public relations is an organized function by which a public

or private enterprise seeks to win and maintain the understanding and support of those who are affected, or could be affected, by its operations. Another definition, somewhat shorter but nevertheless still accurate, is: Public relations means doing good and getting credit for it. As Voltaire said, "The only way to compel man to speak good of us is to do good." While this may be an elevated generality, it is still a good expression of the concept of public relations. As an elected official, there are certain techniques which, when successfully used, can contribute to a meaningful public relations program.

WRITING A NEWS RELEASE

Writing a news release does not have to be a difficult task, and elected officials should not be afraid to express themselves through the media when there is a need to convey information to a wide group of people. A simple rule is to put the information on paper using the same expressions as you would if you were telling a friend or a neighbour about the event or situation. In other words, use simple straightforward language. The intent of a news release is to convey information, not impress or confuse the reader with complicated phrases and jargon. Keep the release simple and concise and remember to stick to the facts; opinions are for the editorial page. Whenever possible, answer the questions of who, what, where, when, and why in the opening paragraphs. Succeeding paragraphs should contain background information and other details not contained in the opening paragraph. This not only assists the editor in making cuts when releases cannot be printed in their entirety but also ensures that those who only read the first portion of an article get the essential information. A sample news release is included as Appendix VII-A.

The following represents a convenient check list that can be followed when preparing a news release:

1. Meet or get to know personally the editors and producers to whom you send news releases.
2. Find out exactly what the editors and producers want from you.

3. Make sure that your news releases contain real news.
4. Place all the essential information in your first paragraph (who? what? where? when? why?).
5. Use short words, short sentences, and short paragraphs.
6. Use direct quotations, but only if they are factual and accurate.
7. Pay careful attention to the format, length, and physical appearance of your news releases.
8. Consider providing a picture with each news release.
9. Ask someone to read and criticize the final draft of your news release.
10. Supplement your news releases by issuing public service announcements.

RESPONSIBILITY FOR THE NEWS RELEASE

Notices and announcements which reflect administrative matters and which fall under previously passed policies can best be handled by the municipal administrator or municipal clerk. This should be considered a normal function of the administration and is best handled at that level. When it comes to matters of policy or of major political importance, the responsibility of informing the public rests with elected officials. While the administrator or clerk may be helpful in constructing the news release, in the final analysis, the substance of the release must reflect the views of the council. It is therefore normal that the mayor, as chief executive officer, assume the responsibility of informing the public of council decisions through the issuance of news releases. However, where there is significant disagreement and when it is important for minority views to be heard, it is acceptable for individual councillors to issue their own news releases.

It becomes less important and a matter of discretion and past practice when it comes to the more ceremonial aspects of municipal life. For example, it would be appropriate for the chairman of a recreation committee to have his photograph taken at the opening of minor hockey.

WHEN TO ISSUE NEWS RELEASES

There are many opportunities to provide news releases. One of the most practical is before or after a regular or special meeting of the council. Considering that few people take the time to attend council meetings, a news release, summarizing the important issues, might prove valuable by not only informing the electorate of council business but also generating more active interest.

Another occasion when a news release is useful is when something new or special is taking place or is about to take place in the community. For example, the unveiling of plans to build a new municipal building or the establishment of a civic holiday are both newsworthy events.

PUBLIC SERVICE ANNOUNCEMENTS

Public service announcements are a convenient and inexpensive way of informing the public of important municipal events. Also, the effectiveness of the news release can be increased through the use of public service announcements. Public service announcements are usually made available, free of charge, by newspapers and by radio and television stations. The format and deadline requirements tend to differ slightly from one medium to another, but a few telephone enquiries will provide the necessary guidance.

THE INTERVIEW

As politicians, you may be required, from time to time, to convey information to the public by means of an interview. Sometimes you will have advance notice of both the interview and the topic to be discussed. In these situations, it is wise to be fully prepared, first by deciding what it is you wish to accomplish through the interview and, second, by ensuring that

you have a command of all the relevant facts. With a little preparation, the interview can be a positive experience for the politician and, at the same time, serve the information needs of the community.

In some cases, the municipal politician does not have time to prepare for the interview. Upon leaving a council or committee meeting, a councillor could find a microphone propelled towards his or her mouth by an eager reporter. In such cases, honesty is the best policy, providing, of course, that delicate and confidential discussions are not compromised. When confronted with a question, the answer to which could jeopardize council business, it is wise to explain this predicament and promise to provide complete details at the earliest possible time. It is not advisable for an elected official to say "no comment". Many times, elected officials will say "no comment" because they have seen others, possibly on television, make such statements. Reporters are often instructed not to accept a "no comment" answer. If the elected official says "no comment", that in itself can become the story and, with a certain amount of investigation, a good journalist can usually illuminate the undisclosed facts. This underscores the need for elected officials to keep abreast of all municipal activity so they can provide the media with concise and accurate information.

COMMUNITY GROUPS

As people come from a variety of backgrounds, they are bound to become involved with groups in which they share a common identity. Groups are divided on the basis of economic status, occupation and beliefs. Almost everyone in the community belongs to one or more groups. Sometimes an individual belongs to several groups. For example, the mayor of a town might belong to the Rotary Club, a cooperative, the Canadian Heart Foundation, the Chess Society, the local skating club, the New Democratic Party, and the Teachers' Federation.

These groups are called "publics". An understanding of the various groups that exist within your community, and of the means to communicate with them, is fundamental in the practice of public relations. The council can use its understanding of community groups to specialize the way in which it chooses to

inform them of important policy directions. These groups can also provide valuable insight into the needs of its membership and, accordingly, assist council in its policy deliberations.

In the final analysis, however, council will have to make a decision on the basis of how it affects all groups. The more affluent and resourceful groups should not unduly influence policy decisions to the detriment of the less wealthy and unorganized members of the community.

HANDLING ENQUIRIES

Routine enquiries can usually be handled by the municipal administrator or municipal clerk. Enquiries, requests or complaints of a unique or special nature having policy implications should be referred to the appropriate elected official and, if necessary, placed on the next agenda of council. There will likely be many times during your term of office when you will be approached by ratepayers seeking assistance or advice. It is important, on each occasion, to listen carefully and sincerely to the ratepayer. Do not try to minimize the importance of the requests even if, at first glance, it appears to be trivial. The request will be very real to the person who has made it. If an immediate answer is not possible, then get back to the ratepayer at the earliest possible time with the appropriate response. Procrastination on the part of any elected official in dealing with requests or complaints reflects poorly on both the elective office and the incumbent.

Everyone has a unique personality and must be dealt with in a different way. In some regards, an elected official must be like a chameleon, able to adapt himself to his environment. If, as an elected official, you do not like the attitude of the person with whom you are dealing, you are nevertheless expected to represent his or her interests through the office you hold. You may even find that, once the particular issue is resolved, you have a new supporter.

Like all politicians, elected municipal officials are public figures and are expected to project the highest ideals of their office. A mild temper tantrum or a menacing gesture to a ratepayer's dog could be enough to label an official as a

loudmouth animal-hater and, although that may not sound too serious on the surface, it is a label which may be difficult to shed in the future.

RELATIONS WITH OTHER ORGANIZATIONS

Most municipalities in Prince Edward Island have small administrations and cannot provide all the research and information needs of the municipal council. However, there are organizations which, as part of their mandate, can assist municipalities in a wide range of matters. It is, therefore, wise for elected municipal officials to become familiar with what these organizations have to offer and to make use of the services and information they provide. Below is a listing, although not exhaustive, of some of the principal organizations.

Prince Edward Island Department of Community and Cultural Affairs

Under the direction of its Minister, this Department is directly responsible for the overall financial and legal well-being of local government in the province. As such, the Department is the centre of provincial/municipal policy formulation. This includes the administration of the *Municipalities Act* and other related statutes, as well as various financial assistance programs for municipalities. In addition to fulfilling this role, the Department also provides planning and advisory assistance to local and regional planning boards in the preparation of official plans and the drafting and implementation of bylaws.

Councils should regard the Department as a focal point for matters of provincial/municipal concern and the Minister of Community and Cultural Affairs as the spokesman for municipalities within the provincial government. As such, the Department is a logical starting point for councils wishing to discuss provincial programs or policies which affect them.

Federation of Prince Edward Island Municipalities

The Federation of Prince Edward Island Municipalities is an organization which was formed to represent and advance the interests of all its member municipalities. Through the collective

weight of its membership, the Federation has been able to make significant contributions towards the improvement of legislation affecting municipal government. Moreover, the Federation has assisted in developing a climate of consultation and collaboration between the Federation and an ever-increasing number of provincial departments and agencies.

The Federation acts as a clearing house for the collection and distribution of a wide range of information and research related to municipal government activity. As part of its role in promoting dialogue among appointed and elected officials, the Federation holds an annual and semi-annual conference at selected locations throughout the province.

Association of Municipal Administrators, Prince Edward Island

The Association of Municipal Administrators, Prince Edward Island, established in 1987, is a non-profit organization whose main goal is to provide a vehicle for the promotion of professional development of persons employed in municipal administration. The Association also encourages the interchange of ideas and experience between persons employed in, or associated with, municipal administration. It has established, and will maintain, standards of ethics and performance for members.

The annual meeting of the Association is held in October of each year and election of the Executive members takes place at this meeting. Outside of the annual meeting, the Association offers training seminars dealing with issues pertaining to municipal administration. This is often done in cooperation with other organizations and government departments.

Maritime Municipal Training and Development Board

The Maritime Municipal Training and Development Board (MMTDB) was established as an agency of the Council of Maritime Premiers in 1974 and is mandated by the Provinces of New Brunswick, Nova Scotia and Prince Edward Island to improve administrative operations in local government. The organization and activity of this agency is unique in Canada and has helped to establish the Maritime region as a pioneer and

leader in municipal management training and development.

The MMTDB organization undertakes its work in close cooperation with municipal associations, training institutions, provincial departments responsible for municipal affairs, and others concerned with upgrading the quality of local government in the region. Its record is one of accomplishment, innovation and positive leadership.

MMTDB's Board of Directors is composed of elected and appointed municipal officials from New Brunswick, Nova Scotia and Prince Edward Island, as well as representatives from the three departments responsible for municipal affairs, the Council of Maritime Premiers and Maritime educational institutions. Collectively, these individuals act as a forum where municipal officials, their professional associations, various governmental bodies, and educational institutions can seek assistance and counsel on matters falling within the MMTDB's mandate.

Municipal Administration Program, Henson College

Henson College was established as a senior academic unit of Dalhousie University in October 1985, incorporating the former Institute of Public Affairs and Office of Part-Time Studies and Extension. The new College is headed by a Dean and governed by a board, whose membership brings together community and university interests.

Henson College offers a wide range of educational programs and services to serve the needs of adult degree and certificate students, persons with management and administrative responsibilities in the private and public sectors, representatives of labour, and groups with special educational interests and requirements: women, seniors, minorities, the disabled, and the disadvantaged.

The Municipal Administration Program, a unit within the College, was organized to meet the specific educational needs of municipal officials. Among its various offerings are:

- correspondence courses in local government;

- seminars in local government held annually throughout the Maritimes;
- publications and research into aspects of local government organization and administration;
- consulting in such areas as council/staff relations, personnel and labour relations; and
- the design and offering of in-house training sessions specific to the needs of the client.

News Release

For Immediate Release

Submitted by

John A. Smith

Mayor, Community of Alsask

6209 Oak St.

Alsask, P.E.I.

C1A 3B0

Office: 902-123-4567

Home: 902-123-5678

Alsask Receives Grant

There will be no increase in taxes for the residents of Alsask, P.E.I., as the result of joint financing with the provincial government for provision of new sewer lines for that community.

Announcement of the cooperative venture, involving a grant of \$20,000 from the Department of Community and Cultural Affairs, and matching funds from the Community of Alsask, was made by Alsask Mayor John A. Smith following meetings yesterday in Charlottetown with department officials.

"We are gratified that we can proceed with this long-overdue project without an added burden on the taxpayers of Alsask," Mayor Smith stated.

"This improvement represents a major leap forward for our community and is a glowing example of the two government levels working together for the common good." He invited all Islanders to witness the expected growth in Alsask.

The grant was made through the Prince Edward Island department's community services program, established two years ago to financially assist Island communities with the provision and upgrading of water and sewer services.

SUGGESTED READINGS AND RESOURCES

Kerr, M. Kaye and Hubert W. Heng. *Procedures for Meetings and Organizations*. Carswell Legal Publications, Toronto, Ontario, 1984.

Tindal, C.R. and S. Nobes Tindal. *Local Government in Canada*. Third Edition; McGraw-Hill Ryerson Limited, Toronto, Ontario, 1990.

Plunkett, T.J. and G.M. Betts. *The Management of Canadian Urban Government*. The Institute of Local Government, Queen's University, Kingston, Ontario, 1978.

Smeltzer, A. Donald (editor). *Municipal Personnel Policy and Procedure Resource Manual*. Maritime Municipal Training and Development Board, Halifax, Nova Scotia, 1981.

Municipalities Act, *SPEI*, 1983, Chapter 33.

Planning Act, *RSPEI*, 1974, Chapter P-6.

Bourinot, Sir John George, revised by J. Gordon Dubray. *Bourinot's Rules of Order*. McClelland and Stewart Ltd., Toronto, Ontario, 1963.

Local Government: The Team in Action, a colour 36-minute training video for municipal officials. Maritime Municipal Training and Development Board, Halifax, Nova Scotia, 1988.

Local Government: The Team in Action, A Participant's Guide for the Video. Maritime Municipal Training and Development Board, Halifax, Nova Scotia, 1988.

The Boardroom Files, a tri-annual journal for municipal officials. Maritime Municipal Training and Development Board, Halifax, Nova Scotia, published since June 1982.

Index

- Administration, 16
 - Council staff relations, 16
- Administrative departments, 6
- Agendas, 4, 41, 42, 52
- Animal control, 20
- Assessment, 36
 - Act, 11, 58
 - Division, Department of Finance, 36
- Auditor, 38
 - Role, 38
 - Report, 38
- Bourinot's Rules of Order, 5, 72
- British Parliamentary Tradition, 43
- Budget, 3, 4, 31
 - Approval, 3, 34
 - Capital, 35, 36
 - Estimates, 31
 - Expenditures, 31, 32
 - Financial plan, 31
 - Goals, 31
 - Operating, 31, 32, 33, 34
 - Sample, 32
 - Tax rate, 30, 31
- Building Codes, 59
 - Permits, 38
- Bylaws, 5, 6, 7, 8, 38, 42, 53
 - Definition, 24
 - Enforcement of, 24
 - Powers, 24, 25, 38, 58, 59, 60
 - Procedure, 24, 25
- Capital
 - Assets, 35
 - Budget (see Budget)
 - Debt, 36
 - Expenditures, 35
- Chairman, 4, 41, 42, 43, 44
 - Election of, 13
 - Role of, 13, 14, 42, 43

- Charlottetown Act, 3, 19
- Charlottetown, City of, 19
- Chief Administrative Officer, 6, 44
 - Responsibilities, 6
 - Role of, 6
- Chief Executive Officer, 6, 14
- Clerk, 6, 22, 63
- Committees, 5
 - Of the Whole, 5
 - Special, 5
 - Standing, 5, 13
- Community, 4
 - Annual meeting, 4
 - Budget, 4, 34
 - Council, 4
 - Elections, 8
 - Planning, 59
 - Powers, 6
- Community and Cultural Affairs, Department of, 67
 - Minister of, 67
- Community Improvement Areas, 6
- Conflict of Interest, 26
- Constitution Act, 2
- Contract (see Law)
- Council, 3, 4, 5, 6, 16, 67, 68, 69
 - Meetings, 4, 64
 - Role of, 33, 34, 60
 - Staff relations, 16
- Council of Maritime Premiers, 69
- Councillors, 14, 15, 16
- Courts, 22
 - Supreme Court of Canada, 23
- Criminal Liability (see Liability)
- Democracy, 2
- Elections, 3, 8, 25, 26
 - Community, 8
 - Nomination, 8
 - Oath of Office, 8
 - Resident, 8
 - Town, 8

- Environmental Protection Act, 59
- Equalization funding (see Funding)
- Estimates (see Budget)
- Expenditures (see Budget)
- Federal government, 37
- Federation of Prince Edward Island Municipalities, 67, 68
- Finance, Department of, 36
 - Minister of, 34
- Financial plan (see Budget)
- Financial statements, 38
- Fire protection, 2, 5, 38
- Funding, equalization, 37

- Grants, 34
 - Federal, 37
 - In Lieu of, 37
 - Per capita, 37, 38
 - Provincial, 36, 37

- Henson College, 69
- Highway Traffic Act, 7, 20

- In camera (see Meetings)
- Interview, 64

- Joint Planning Board (see Planning)

- Land Protection Act, 58
 - Registry office, 60
 - Use Commission, 60
- Law, 7, 30
 - Contract, 21
 - Of Canadian Municipal Corporations, 18
- Liability, 21
 - Criminal, 22, 23, 24
 - Of elected officials, 21
 - Of the municipality, 22
 - Personal, 20, 21, 22
- License fees, 38
- Local government, 1, 19
 - Authority, 7, 19, 20
 - Constitutional position, 19

- Maritime Municipal Training and Development Board, 68, 69
- Mayor, 14, 16
 - Election of, 13
 - Role of, 4, 13, 14
- Media, 62, 64
- Meetings, 4, 41, 45, 64
 - In camera, 5
 - Public, 4
- Minister of Finance (see Finance, Department of)
- Minutes, 47, 48, 52
- Motions, 5, 43, 44, 45, 46, 47, 53
 - Amendments to, 46, 47, 53
 - Mover, 44
 - Procedure, 44, 45
 - Table of Precedence, 45, 49, 50, 51
- Municipal
 - Administration, 2, 6, 16, 17, 63
 - Clerk, 6, 22, 63
 - Corporations, 19, 21, 22, 23, 25
 - Council, 3, 4, 5, 6, 16, 33, 34, 60, 67, 68
 - Elected Official, 24, 28, 30, 62, 63, 64, 65, 66, 67, 68
 - Elections (see Elections)
 - Government, 2, 3
 - Manager, 6
 - Politician, 2
 - Powers, 6, 7, 10
 - Solicitor (see Solicitor)
 - Staff, 33, 34
- Municipal Personnel Policy and Procedure Resource Manual, 72
- Municipalities Act, 3, 4, 5, 6, 7, 8, 11, 13, 19, 20, 26, 31, 38, 67
- Negligence, 22
- News release, 62, 63, 64
 - Sample, 71
- Oath of Office, 9
- Official plans (see Planning)
- Operating budget (see Budget)
- Opt out, 20

Parliament

British tradition, 43

Principles and procedures, 52, 53, 54

Planning, 55, 56, 57

Act, 7, 11, 56, 57, 58, 59, 60

Board, 57, 58, 59, 60

Community, 56

Plans, official, 7, 57, 58, 59, 60

Process, 59, 60

Police, 2, 5

Policy development, 16, 17

Property Tax Act, 7, 11, 36, 58, 59

Provincial government, 19, 35, 36, 37, 38

Department/Minister of Finance (see Finance)

Municipal committee, 38

Public relations, 61, 62

Public service announcements, 64

Real Property Assessment Act, 11, 36, 59

Real Property Tax Act, 11, 36, 58, 59

Recreation, 2, 5

Resident, 8

Resolution, 5

Revenue, 38

Road, 22

Services

Fire protection, 2, 5, 38

Garbage collection, 2

Planning, 5

Police, 2, 5

Recreation, 2, 5

Sewer, 2, 5

Water, 2

Solicitor, 20, 25, 28

Statute, 11, 24

Summerside, 19

Act, 3, 19

Tax

Base, 36

Rate, 31, 34

Taxes

Automobile, 36

Poll, 36

Property, 7, 32, 36, 37, 38

School, 36

Sidewalk, 36

Town, 3, 4, 7, 8, 34, 38

Training, 68, 69

Ultra vires, 23

User fees, 37

Village, 7, 38

Zoning, 22, 59